

August 19, 2002

D.T.E. 98-84/EFSB 98-5

Investigation by the Department of Telecommunications and Energy and the Energy Facilities Siting Board, on their own motions, commencing a Notice of Inquiry and Rulemaking, pursuant to M.G.L. c. 164, §§ 69H, 69I, 76C, and 220 C.M.R. §§ 2.00 et seq., into (1) rescinding 220 C.M.R. §§ 10.00 et seq., and (2) exempting electric companies from any or all of the provisions of G.L. c. 164, § 69I.

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#### NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

On August 10, 1998, the Department of Telecommunications and Energy (“Department”) issued an Order Commencing a Notice of Inquiry and Rulemaking into (1) rescinding 220 C.M.R. §§ 10.00 et seq. and (2) exempting electric companies from any or all of the provisions of G.L. c. 164, § 69I (“NOI”). The Energy Facilities Siting Board (“Siting Board”) issued a similar notice on August 13, 1998.

On August 19, 2002, the Department of Telecommunications and Energy (“Department”) and the Energy Facilities Siting Board (“Siting Board”) issued a notice seeking comments on a proposed alternative process to the filing of the biennial long-range forecasts for electric companies required by G.L. c. 164, § 69I, and on whether this process would be in the public interest. Specifically, the Department and the Siting Board are seeking comments on their proposal to adopt the alternative process outlined below; to exempt investor-owned electric companies from § 69I, as it pertains to the filing of long-range forecasts; and to rescind 220 C.M.R. 10.00 et seq. These matters have been docketed as D.T.E. 98-84 and EFSB 98-5.

The Department and the Siting Board recognize the broad interest in the subject matter and the considerable length of time that has elapsed since this NOI was opened in August 1998. As a result, we are issuing this notice to those who may wish to submit comments or participate in the public hearing on the proposed alternative process.

Following the adoption of the Electric Industry Restructuring Act of 1997 (“Restructuring Act”), electric companies are no longer responsible for the procurement of electricity supplies for their customers, except for default or standard offer service. Consequently, the Department and the Siting Board are proposing an alternative process that focusses on distribution planning, while providing agencies with advance notice of all planned transmission facilities that may fall under their jurisdiction. The central element of this alternative process would be the annual planning reports submitted by the four Massachusetts investor-owned utilities in compliance with

a series of Department orders issued in March, 2002. These reports will focus on demand forecasting and system management at the level of the local distribution system. See NStar Electric, D.T.E. 01-65 (2002); Western Massachusetts Electric Company, D.T.E. 01-66 (2002); Fitchburg Gas and Electric Light Company, D.T.E. 01-67 (2002); Massachusetts Electric Company & Nantucket Electric Company, D.T.E. 01-68 (2002). The Department and the Siting Board also propose that, concurrent with the annual planning report, each electric company would be required to file a description of all transmission projects planned to be built within, or partially within, its service territory in the following three years.

If an alternative process is adopted in accordance with G.L. c. 164, § 69I, an electric company proposing a transmission project under G.L. c. 164, § 69J would no longer be required to demonstrate that its project is consistent with the most recently approved long-range forecast. In addition, the regulations governing IRP, 220 C.M.R. 10.00 et seq. would be rendered obsolete. The Department, therefore, proposes to rescind 220 C.M.R. 10.00 et seq. following the adoption of an alternative process.

The Department and the Siting Board will conduct a joint public hearing to receive oral comments in this matter on **Thursday, September 26, 2002**, beginning at 10:00 a.m. at the Department of Telecommunications and Energy, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110. In addition, any interested person may file written comments in this matter no later than the close of business, **Thursday, September 12, 2002**. **To review a copy of the complete notice issued by the Department and the Siting Board, which contains specific filing requirements for comments and sets forth a series of questions for which the Department and the Siting Board are seeking responses, please go to <http://www.mass.gov/dpu>, or contact Peter Ray, Administrative Assistant at the Siting Board, at (617) 305-3525.**

Comments in this matter may not exceed 20 pages in length. Commenters must file one original and nine copies of all comments with Mary Cottrell, Secretary, Department of Telecommunications and Energy, One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110. All written comments also should be submitted to the Department in electronic format. Electronic submissions should be made using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [william.stevens@state.ma.us](mailto:william.stevens@state.ma.us) and or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify (1) the docket number of the proceeding (D.T.E. 98-84/EFSB 98-5), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix), or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dpu>.